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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,528	10/18/2001	Andrew William Mackie	2639/A36	7291
2101	7590	12/23/2008	EXAMINER	
BROMBERG & SUNSTEIN LLP 125 SUMMER STREET BOSTON, MA 02110-1618				JACKSON, JAKIEDA R
ART UNIT		PAPER NUMBER		
2626				
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		12/23/2008		PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/042,528	MACKIE, ANDREW WILLIAM
	<b>Examiner</b>	<b>Art Unit</b>
	JAKIEDA R. JACKSON	2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 September 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 and 11-15 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 3-9 and 11-13 is/are rejected.
- 7) Claim(s) 1-2 and 14-15 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Response to Amendment***

1. In response to the Office Action mailed June 30, 2008, applicant submitted an amendment filed on September 30, 2008, in which the applicant traversed and requested reconsideration.

### ***Response to Arguments***

2. Applicant argues that the prior art cited does not teach the claim phrase "traversing substrings of the natural language input in an order determined by the weights assigned to the breakpoints". Applicant points out that McKeown uses a sequential approach (see figure 12). It is noted that the sequential approach that Applicant points out is used to determine the segment, not to change the order in response to the weight. Changing the order, rather, traversing the substrings of the natural language input in an order determined by the weights assigned to the breakpoints can be found in McKeown. McKeown teaches that terms are linked according to their weight (column 2, lines 41-50) and that information is classified/ordered/grouped based on the segments (column 1, lines 29-35). Therefore, Applicant's arguments are not persuasive.

Applicant further argues that the Examiner has taken the references from disparate fields with different objectives and combined aspects of these disparate referenced motivated solely by the teachings of Applicant. This use of hindsight reconstruction based on art that does not teach the disputed elements fails to make out

a proper rejection. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In this case, the Examiner clearly pointed out why it would have been obvious to one of ordinary skill of the art to combine the references cited and used motivation from the references and not from the Applicant, which can be seen in the last Office Action dated June 30, 2008. Furthermore, each of these references has similar fields of endeavor. All of the references (Carcus, McKeown and Matsubayashi) deal with some sort of delimiting, segmenting or dividing information and they all relate to some form of speech processing, linguistics and language. Also, in response to applicant's argument that Carcus seeks to separate individual words in written Asian language text and seeks to identify words, Matsubayashi divides single character type string thereat and McKeown takes a larger piece of text that is already broken into words and paragraphs and then proceeds to analyze the relationship between the paragraphs and the documents as a whole based on the frequency with which certain words appear, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the

differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

It is noted that Applicant sought to solve the problem of segmenting a compound word. However, in response to applicant's arguments, the recitation segmenting a compound word has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Therefore, Applicant's arguments are not persuasive.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-2 and 14-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Carcus et al. (USPN 6,035,268) hereinafter referenced as Carcus in view of McKeown et al. (USPN 9,473,730), hereinafter referenced as McKeown and in further view of Matsubayashi et al. (USPN 6,473,754), hereinafter referenced as Matsubayashi.

Regarding **claim 1**, Carcus discloses a method for segmenting compound words in an unrestricted natural-language input, the method comprising:

receiving a natural-language input (natural language) consisting of a plurality of characters (receiving stream of input text; compound word; column 1, line 19 –column 7, line 18);

constructing a set of probabilistic breakpoints in the natural-language input based on probabilistic breakpoint analysis (statistical analysis; column 1, line 19 –column 7, line 18);

identifying a plurality of linkable components by traversal of substrings of the natural-language (natural language) input delimited by the set of probabilistic breakpoints (word breaks) wherein a linkable component (link) is identified by locating the component in a lexicon (lexicon; column 1, line 19 –column 7, line 18); and

returning a segmented string consisting of a plurality of linkable components spanning (spanning) the natural-language input, wherein the segmented string is interpreted as a compound word (compound word; column 1, line 19 –column 7, line 18), but does not specifically teach assigning weights to the breakpoints in the natural-language input and traversing substrings of the natural-language input in an order determined by the weights assigned to the breakpoints and combining a probability.

McKeown discloses a method wherein assigning weights to the breakpoints (assigns a predefined segmentation weight; column 6, lines 51-57) in the natural-language input (natural language; column 1, lines 38-50) and traversing substrings of the natural-language input in an order determined by the weights assigned to the

breakpoints (sequential approach for determining segment importance and coverage; column 8, lines 24-49), to efficiently and accurately identify segment.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carcus' method wherein it is described as above, to provide a method that segments information according to the segment function and the importance, for efficient and accurate segmentation (column 1, lines 29-35).

Carcus in view McKeown discloses a method of segmenting compound words, but does not specifically teach combining a probability that characters preceding each breakpoint end a word and a probability that characters following the breakpoint start a word to assign weights to the breakpoints in the natural-language input.

Matsubayashi discloses a method of combining a probability that characters preceding each breakpoint (probability of division) end a word (tail-position) and a probability that characters following the breakpoint start a word (head-position) to assign weights to the breakpoints in the natural-language input (column 3, line 41 – column 4, line 41 and column 15, lines 47-56 and column 16, line 65 - column 17, line10 with column 20, lines 27-53), to extract characteristic string with less erroneous division.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carcus in view of McKeown's method wherein it combines a probability, as taught by Matsubayashi, to extract characteristic string with less erroneous division and this less search noise to realize searching of a relevant

document or documents with less shift from the main concept of a seed document (column 5, lines 26-35).

Regarding **claim 2**, Carcus discloses a method further including the step of analyzing a chart of the linkable components in the case that the segmented string cannot be constructed and returning an unsegmented string interpretable as a partial analysis of a compound word (removed from the word breaker; column 1, line 19 – column 7, line 18 and column 36-54).

Regarding **claim 14**, it is interpreted and rejected for the same reasons as set forth in claim 1. In addition, Carcus discloses a method wherein assigning weights comprises combining weights of contexts of one length that precede a breakpoint and of contexts of a different length that follow the breakpoint (inherent in parsing; column 1, paragraphs 0010-0011 and column 2, paragraph 0023).

Regarding **claim 15**, it is interpreted and rejected for the same reasons as set forth in claim 1. In addition, Carcus discloses a method wherein assigning weights comprises weighting weights of a plurality of context of different lengths that precede and follow a breakpoint (inherent in parsing; column 1, paragraphs 0010-0011 and column 2, paragraph 0023).

#### ***Allowable Subject Matter***

5. Claims 3-9 and 11-13 are allowed.

The following is a statement of reasons for allowance:

As for independent claim 3, it recites an apparatus for segmenting compound words in a natural-language input. Prior art such as Franz show a similar configuration but fails to teach the recited configuration wherein a probabilistic breakpoint analyzer is coupled to the startpoint probability matrix, the endpoint probability matrix and the natural-language input, the probabilistic breakpoint analyzer being operative to generate a breakpoint-annotated input from the natural-language input.

Dependent claims 4-9 are allowed because they further limit their parent claims.

As for independent claim 11, it recites an apparatus for segmenting compound words in an unrestricted natural-language input. Prior art such as Carcus, Shapiro and Matsubayashi show a similar method but fails to teach the recited method of combining weights of trigraph context that precede and follow each breakpoint to assign a weight to the breakpoint in the natural-language input in combination with the other limitations.

As for independent claim 12, it recites an apparatus for segmenting compound words in an unrestricted natural-language input. Prior art such as Carcus, Shapiro and Matsubayashi show a similar method but fails to teach the recited method of combining weights of bigraph context that precede and follow each breakpoint to assign a weight to the breakpoint in the natural-language input in combination with the other limitations.

As for independent claim 13, it recites an apparatus for segmenting compound words in an unrestricted natural-language input. Prior art such as Carcus, Shapiro and Matsubayashi show a similar method but fails to teach the recited method of combining weights of tetragraph context that precede and follow each breakpoint to assign a

weight to the breakpoint in the natural-language input in combination with the other limitations.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAKIEDA R. JACKSON whose telephone number is (571)272-7619. The examiner can normally be reached on Monday-Friday from 5:30am-2:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jakieda R Jackson/  
Examiner, Art Unit 2626  
December 18, 2008

/David R Hudspeth/  
Supervisory Patent Examiner, Art Unit 2626